

C O P Y

in 412

September 12, 1957

Mr. Charles R. Cunningham, Director  
State Veterans Council  
66 South Street  
Concord, New Hampshire

Dear Mr. Cunningham:

This is in response to your request of September 10th for our opinion as to whether the State Veterans Council is authorized to pay a burial allowance on behalf of a deceased veteran when neither the affidavit nor the account required by RSA 165:16 were submitted within one year of burial.

This section reads as follows:

"165:16 Burial Expenses. Whenever any member or former member of the armed forces of the United States, who served in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I or World War II, or Korean Conflict, as defined in section 17, for a total period of ninety days (unless sooner released from such service by reason of disability incurred in service) and whose services were terminated under conditions other than dishonorable, dies and the commander and adjutant of any recognized veterans' organization of which he was a member, or the majority of the selectmen of the town or the mayor of the city in which such veteran dies, if he or she was not a member of such organization, shall certify under oath to the state veterans' council that such veteran did not leave sufficient estate to pay the expenses of his or her funeral, the governor shall draw a warrant in favor of the commander or adjutant, selectmen, or mayor, for a sum not exceeding one hundred dollars to defray such burial expenses, provided that the total amount of the funeral expense does not exceed four hundred dollars. Within one year from the time of burial of said veteran an account, verified by vouchers, of the sums so spent for burial expenses shall be sent to the state veterans' council by said commander, adjutant, selectmen, city council or mayor. Whoever neglects or refuses to furnish said account shall be fined ten dollars."

We are of the opinion that payment of the burial allowance is not authorized under these circumstances. While RSA 165:16 does not expressly

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provide that the affidavit of need must be filed within one year, a reading of the section as a whole shows that this was contemplated. The requirement that an account verified by vouchers be submitted within one year of burial indicates an intention that each claim should be wound up within this one year period.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/m